

REMARKS

Claims 1-18 and 20 were pending.

Claims 1, 4-10, 13-15 are amended.

Claims 3, 11-12 and 16-20 are cancelled.

Claims 1, 2, 4-10 and 13-15 are pending.

Amended Claims

Claims 1, 4-10 and 13-15 are amended to limit the claims to a method of fungicidal treatment of textile fiber material in a domestic washing process, wherein the textile fiber materials are treated in a normal washing machine and the weight of the textile material to water is from 1:4 to 1:40.

Support for this amendment may be found on page 15, second paragraph. That for example when 1 kg of textile material is washed at least 4 kg of water must be present. Thus for a total of 5 kg (textile material + water) water makes up 80% of the total.

No new matter is added.

35 USC 112, second paragraph

Claim 12 is cancelled. Thus the rejection is moot.

35 USC 103(a)

Claims 1, 2 and 20 are rejected under 35 USC 103(a) as being unpatentable over Ghosh, US 2004/0261196 in view of Ghosh, US 6,090,399.

The present claim 1 is now directed to a method for fungicidal treatment of textile fiber material. All remaining claims now depend from this method.

The disclosure of Ghosh, US '196 teaches in paragraph [0111]

[0111] Water, when present in the **wash fluid** fabric article treating compositions of the present invention, may comprise from about 0.001% to about 10%, more preferably from about 0.005% to about 5%, even more preferably from about 0.01% to about 1% by weight of the wash fluid fabric article treating composition.

This paragraph is followed by paragraph [0112] which teaches

[0112] Water, when present in the **detergent compositions** of the present invention, preferably comprises from about 1% to about 90%, more preferably from about 2% to about 75%, even more preferably from about 5% to about 40% by weight of the consumable detergent composition.

The detergent composition is distinct from the wash fluid. The wash fluid is the medium in which the fabric articles are washed in the normal washing machine while the detergent composition is the composition of the actual detergent which contains many components some of which may be water.

Thus the method of claim 1 is distinguished from Ghosh in that a minimum of 80 wt. % water is required in the washing fluid used to wash the fabric article . Ghosh allows for a maximum of about 10 wt. % water in the washing fluid.

As the invention of Ghosh is directed to a fabric treating composition with substantial amounts of organic solvents and very little water washing fluid (max of about 10%) or basically dry cleaning methods and the present invention is directed to aqueous domestic laundry methods requiring at least 80 wt. % of the washing fluid to be water, there is no overlap between Ghosh and the presently claimed method.

Furthermore, there is no suggestion or teaching from Ghosh US '196 to use his detergent compositions in substantially aqueous fabric washing methods. Additionally, Ghosh US '399 does not make up for the deficiencies of Ghosh US '196. Thus this rejection is overcome.

Claims 3-7 and 9-11 are rejected under 35 USC 103(a) as being unpatentable over Ghosh, US 2004/0261196.

All remaining claims are directed to a method of fungicidal treatment of textile fiber materials in a domestic washing process, wherein the textile fiber materials are treated in a normal washing machine and the weight of the textile material to water is from 1:4 to 1:40.

The arguments presented above also apply to this rejection.

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Ghosh, US 2004/0261196 as applied to claims 3 above in view of Majeti US 2003/0212232.

Claim 8 depends from claim 1. As claim 1 is unobvious in light of Ghosh US '196 and Majeti does not make up for the deficiencies of Ghosh US '196, the rejection is also overcome.

Ghosh as explained above is not an appropriate obviousness reference because Ghosh's compositions are essentially a dry cleaning composition, which is totally different from an aqueous domestic laundry composition.

Thus the above combination of Majeti with Ghosh does not work.

Claims 12-18 are rejected under 35 USC 103(a) as being unpatentable over Majeti et. Al., US 2003/0212232 in view of Ghosh, US 2004/0261196

Majeti relates to home care formulations comprising polyorganosilixanes for use in treatment of hard surfaces and textile articles. Majeti does not teach a compound of formula 1 as recited in claim 1.

Furthermore, examiner believes Majeti and Ghosh to be analogous art because they are in the same field of endeavor, namely, home care compositions of textiles or fabric and other surface.

Ghosh is primarily concerned with dry cleaning compositions. The compositions of Ghosh are not appropriate for domestic washing conditions which require substantially aqueous washing conditions as presently claimed. This is confirmed by Ghosh's teachings in paragraph [0111]

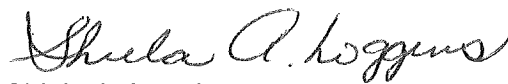
Thus the applicants believe the combination of these references do not make sense. Majeti's compositions are primarily water based. Ghosh's lipophilic. There is no motivation to pluck one of the antimicrobials (2-(4'-thiazolyl)benzimidazole from a very long list of antimicrobials suggested in Ghosh which are used in lipophilic solutions and applying to the water based systems of Majeti's. Further there is no expectation that the combination of antimicrobials would work in the systems of Majeti.

Reconsideration and withdrawal of the rejection of claims 1, 2, 4-10 and 13-15 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1, 2, 4-10 and 13-15 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Shiela A. Loggins
Agent for Applicants
Reg. No. 56,221

Ciba Specialty Chemicals Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-2768
SAL/23033RCE.doc

Enclosure: Request for Continued Examination.